

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 7, 2010

DIVISION ONE

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

B221143 Los Angeles County, D.C.F.S. (Not for Publication)
v.
C.J.

The order terminating parental rights is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

DIVISION THREE

B214910 People (Not for Publication)
v.
Ryan T. Booker

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B218347 City of Alhambra, et al. (Certified for Publication)
v.
County of Los Angeles, et al.

The judgment is reversed and the matter is remanded to the trial court to determine the issue of timeliness and, if necessary, to calculate the service fee under Revenue and Taxation Code section 97.75 in accordance with the views expressed in this opinion. Appellants are to recover their costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B220083 People (Not for Publication)
v.
Hisle

The order appealed from (Sept. 30, 2009 order denying motion to modify the \$10,000 restitution fine) is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

July 7, 2010 (Continued)

DIVISION FOUR (continued)

B214062 People (Not for Publication)
v.
Hisle

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment: (1) striking one of the two terms of 25 years to life imposed consecutive to the sentence in count 3 (the forcible rape of K.R.) pursuant to section 667.61, thereby reducing defendant's aggregate sentence to a term of 205 years to life; and (2) reflecting the imposition of six (not one) \$20 security fees. In all other respects, the judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B213715 DreamCatcher Wild Horse and Burro, etc.
v.
Moss, et al.

Filed order denying petition for rehearing.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B220089 People v. Baldwin
B218199 People v. Colbert
B221170 DCFS v. L.J.
B217456 People v. Sanchez

Argument waived, cause submitted.

DIVISION FIVE (continued)

B215486 Fireman's Fund Insurance Co.
 v.
 Workers Compensation Appeals Board
 California Insurance Guarantee

Merits:
Argued by Mark Bonino for petitioner and by Richard Guilford for respondent. Cause submitted.

B213445 Melody Cochran
 v.
 Anthony Delonay

Merits:
Argued by Louis Dell for appellant and by Simon Langer for respondent. Cause submitted.

B217633 Patricial Rosenthal
 v.
 James LaRose

Merits:
Argued by Jay Bloom for appellant and by Richard Soll for respondent. Cause submitted.

B220937 Ricardo De Paz, et al.
 v.
 First American Title Insurance Co., et al.

Merits:
Argued by Alexander Kirkpatrick for appellants and by Ryan Squire for respondents. Cause submitted.

Court recessed.

July 7, 2010 (Continued)

DIVISION FIVE (continued)

Court reconvened at 11:10 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J., and J. Belcher, Deputy Clerk.

B215800 People v. Harris

Argument waived, cause submitted.

B215800 People
 v.
 Reuel Hulbert

Merits:

Argued by Robert Boyce for appellant and by David Glassman, deputy attorney general, for respondent. Cause submitted.

B217401 Scott Kostka
 v.
 Therese Kostka

Merits:

Argued by Scott Kostka appellant in propria persoan. Respondent previously waived argument. Cause submitted.

B218417 Rose Sprinkles
 v.
 Associated Indemnity Corporation

Merits:

Argued by Roland Wrinkle for appellants and by John Hager for respondents. Cause submitted.

Court recessed.

July 7, 2010 (Continued)

DIVISION FIVE (continued)

Court reconvened at 1:00 pm

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B218697 People v. E.A.

B215108 People v. Gomez & Ayala

Argument waived, cause submitted.

B219849 People
 v.
 Christopher Prevedello

Merits:

Argued by Carol Boyk for appellant and by Steven Matthews, deputy attorney general, for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B219050 People
 v.
 Bush

Filed order vacating submission order of June 17, 2010, in light of the California Supreme Court's order of June 9, 2010, granting review in People v. Brown (S181963). The matter will be held pending finality of the California Supreme Court's decision in People v. Brown, at which time the matter will stand submitted.

DIVISION SEVEN

B212775 Unzipped Apparel, LLC, et al. (Not for Publication)
v.
Apparel Distribution Services, LLC et al.

The October 31, 2008 order denying plaintiffs' motion for a hearing on non-statutory costs against ADS is affirmed. The October 31, 2008 order granting in part and denying in part plaintiffs' motion for attorneys' fees is reversed as to ADS. Plaintiffs' appeal from the May 6, 2008 order is dismissed, and plaintiffs' appeals from the October 31, 2008 orders are dismissed as to Sweet and Azteca. The case is remanded for further proceedings consistent with this opinion. ADS is to recover its costs in this appeal.

Segal, J. (Assigned)

We concur: Perluss, P.J.
 Jackson, J.

B197273 Sweet Sportswear, LLC (Not for Publication)
v.
Neil Cole

The judgment is affirmed. The motion by Cole for sanctions for filing a frivolous appeal is denied. Cole is to recover his costs in this appeal.

Segal, J. (Assigned)

We concur: Perluss, P.J.
 Jackson, J.

DIVISION SEVEN (continued)

B203995 Unzipped Apparel, LLC et al.
v.
Sweet Sportswear, LLC et al.

(Not for Publication)

The November 16, 2007 orders on defendants' motions for JNOV and a new trial are vacated. The August 3, 2007 denials by operation of law of defendants' motions for JNOV are affirmed and reversed, as stated in this opinion.

The judgment against ADS and Guez is modified and affirmed. The trial court is to deduct \$568,000 from the judgment against Guez for the reversal of the denial by operation of law of plaintiffs' agent fees overcharge claim, and to grant a new trial on damages on plaintiffs' claim that Guez allowed ADS to fail to maintain a perpetual inventory. The trial court is to enter judgment in favor of ADS and Guez on plaintiffs' trademark infringement claim, in favor of plaintiffs and against ADS and Guez on plaintiffs' conversion claim, and against ADS and in favor of Unzipped on ADS's cross-complaint. The October 25, 2005 order sustaining without leave to amend Cole's demurrer to first amended cross-complaint and the November 16, 2007 judgment in favor of Cole are affirmed.

The June 29, 2006 order granting Guez's motion for summary adjudication on plaintiffs' fraud claims in the first amended complaint is affirmed. The July 19, 2006 order granting in part and denying in part plaintiffs' motion for leave to file a second amended complaint is reversed. The December 14, 2006 order granting summary adjudication on the fraud claims in the second amended complaint is also reversed.

The case is remanded for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Segal, J. (Assigned)

We concur: Perluss, P.J.
 Jackson, J.

July 7, 2010 (Continued)

DIVISION SEVEN (continued)

B213234 People
 v.
 Tyrell M.

Filed order denying petition for rehearing.

DIVISION EIGHT

B218496 People (Not for Publication)
 v.
 Jose Lamont Blue

The judgment is reversed.

Bigelow, P.J.

We concur: Rubin, J.
 Grimes, J.